

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,

*

SFPD 2018-033744

*

INDICTMENT

*

vs.

*

SARA BABIC

ALAN KHAMLA THONGVANH

Defendant.

*

CR 118-7841

COUNT 1: ABUSE OR CRUELTY TO A MINOR – CLASS 4 FELONY-(SB) (AKT)

COUNT 2: DISTRIBUTING CONTROLLED SUBSTANCE (MINOR) – SCHEDULE II –
CLASS 2 FEL - (SB)

COUNT 3: MAINTAINING A PLACE WHERE DRUGS KEPT/SOLD/USED – CLASS 5 FEL
(AKT)

COUNT 4: POSSESSION CONTROLLED DRUG OR SUBSTANCE - SCHED I – CLASS 5 FEL –
(AKT)

COUNT 5: POSSESSION CONTROLLED DRUG OR SUBSTANCE - SCHED II – CLASS 5 FEL-
(AKT)

COUNT 6: DISTRIBUTION OF MARIJUANA (> 1 OZ BUT < 1/2 LB) - CLASS 5 FEL-(AKT)

COUNT 7: POSSESSION OF MARIJUANA (2 OZ OR LESS) - CLASS 1 MISD – (AKT)

COUNT 8: POSSESSION/USE DRUG PARAPHERNALIA - CLASS 2 MISD – (AKT)

THE MINNEHAHA COUNTY GRAND JURY CHARGES:

That the Defendant, SARA BABIC, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 5th day of October, 2018, did abuse, expose, torture, torment or cruelly punish a minor, [REDACTED] dob [REDACTED] in a manner which does not constitute aggravated assault, which Defendant is guilty of a class 4 Felony, which action on the part of the Defendant is in violation of SDCL 26-10-1, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota.

COUNT 2

That the Defendant, SARA BABIC, in Minnehaha County, State of South Dakota, on or about the 5th day of October, 2018, did commit the public offense of Distributing a Schedule II Controlled Substance to a Minor (SDCL 22-42-2) in that the Defendant did distribute a substance listed in Schedule II, OXYCODONE, to a minor, [REDACTED] DOB [REDACTED] contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 3

That the Defendant, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 11th day of October, 2018, did commit the public offense of Keeping a Place for Use or Sale of Controlled Substances (SDCL 22-42-10) in that the Defendant did keep or maintain a place, [REDACTED] S GLENDALE AVE, SIOUX FALLS, Minnehaha County, SD, which is resorted to by persons using controlled drugs and substances for the purpose of using such substances, or which is used for the keeping or selling of such substances, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 4

That the Defendant, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 11th day of October, 2018, did commit the public offense of Unauthorized Possession of Controlled Drug or Substance (SDCL 22-42-5) in that the Defendant did knowingly possess a controlled drug or substance DELTA 9-TETRAHYDROCANNABINOL OTHER THAN THAT WHICH OCCURS IN MARIJUANA IN ITS NATURAL AND UNALTERED STATE which is listed in Schedule I,, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 5

That the Defendant, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 11th day of October, 2018, did commit the public offense of Unauthorized Possession of Controlled Drug or Substance (SDCL 22-42-5) in that the Defendant did knowingly possess a controlled drug or substance, METHAMPHETAMINE, which is listed in Schedule II, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 6

That the Defendant, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 11th day of October, 2018, did commit the public offense of Distribution or Possession with Intent to Distribute More Than One Ounce but Less Than One-Half Pound of Marijuana (SDCL 22-42-7) in that the Defendant did distribute, or possess with intent to distribute, more than one ounce but less than one-half pound of marijuana, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 7

That the Defendant, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 11th day of October, 2018, did commit the public offense of Possession of Two Ounces or Less Marijuana (SDCL 22-42-6) in that the Defendant did knowingly possess two ounces of marijuana or less, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

COUNT 8

That the Defendant, ALAN KHAMLA THONGVANH, in Minnehaha County, State of South Dakota, on or about the 11th day of October, 2018, did commit the public offense of Use or Possession of Drug Paraphernalia (SDCL 22-42A-3) in that the defendant did, knowing the drug related nature of the object, use or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body any controlled substance or marijuana, SCALE, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of South Dakota, and prays that the Defendant may be arrested and dealt with according to the law.

Dated this 31 day of October, 2018.

A True Bill
"A True Bill"

This Indictment has the concurrence of 6 members of the Minnehaha County Grand Jury.

[Signature]

Foreman
Minnehaha County Grand Jury

WITNESSES WHO TESTIFIED FOR THE GRAND JURY IN THIS MATTER:
DETECTIVE HOLBECK
DETECTIVE MIHAJLOVIC
OFFICER MATHIS

SARA BABIC, [REDACTED] N HOLLY AVE, [REDACTED] SIOUX FALLS, SD
ALAN KHAMLA THONGVANH, [REDACTED], [REDACTED] S GLENDALE AVE SIOUX FALLS, SD

DEMAND FOR NOTICE OF ALIBI

The undersigned (deputy) State's Attorney states that the charged offense is alleged to have occurred on the _____ day of _____, 20____, at or about _____ o'clock ____M., at _____.

Pursuant to SDCL 23A-9-1 demand is hereby made upon defendant and defendant's counsel to give notice of intent to offer a defense of alibi.

(Deputy) State's Attorney

